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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,670	07/24/2001	Bruce A. Willins	6000.001500/1122	3824
23720	7590	12/14/2004	EXAMINER	
WILLIAMS, MORGAN & AMERSON, P.C. 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			NGUYEN, TOAN D	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,670

Applicant(s)

WILLINS ET AL.

Examiner

Toan D Nguyen

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/18/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoobridge et al (US 6,326,926) in view of Naeini et al (US 5,233,643) further in view of Berliner et al (US 6,731,908).

For claim 1, Shoobridge et al disclose in a system for providing wireless data communication using a first protocol (figure 3, col. 7 lines 1-3), said system having access points (figure 1, references 24, col. 5 line 7) for conducting wireless data communications with mobile units (figure 1, reference 36, col. 5 line 34) using said first protocol (figure 3, col. 7 lines 1-3), a method for conducting communications with an access point (figure 2, reference 54, col. 6 line 5) comprising providing said access point (figure 2, reference 54) with operating according to a

Art Unit: 2665

second wireless data communications protocol (figure 2, col. 5 lines 64-65), and conducting communications with said access point (figure 3, reference 54_b) using said second wireless data communications protocol (figure 3, col. 6 lines 65-66).

Shoobridge et al do not disclose conducting out of band management communications. In an analogous art, Naeini et al disclose conducting out of band management communications (col. 13 lines 32-33).

One skilled in the art would have recognized conducting out of band management communications to use the teachings of Naeini et al in the system of Shoobridge et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the conducting out of band management communications as taught by Naeini et al in Shoobridge et al's system with the motivation being to provide subscriber's transceiver capable of redirecting, answering and otherwise managing in-band communications regardless of subscriber location (col. 13 lines 34-36).

However, Shoobridge et al in view of Naeini et al do not disclose a radio module. In an analogous art, Berliner et al disclose a radio module (figure 3B, reference 103-2, col. 8 lines 62-65).

One skilled in the art would have recognized a radio module to use the teachings of Berliner et al in the system of Shoobridge et al. therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the radio module as taught by Berliner et al in Shoobridge et al's system with the motivation being handled distance measurement RF transmissions and possible other communications, such as Bluetooth communications (col. 8 lines 63-65).

For claim 2, Shoobridge et al disclose wherein said first protocol is 802.11 Protocol (col. 7 lines 1-3).

For claim 3, Shoobridge et al disclose wherein said second wireless data communications protocol is Bluetooth (col. 6 lines 65-66).

For claim 5, Shoobridge et al disclose wherein said second wireless data communications protocol is Bluetooth (col. 6 lines 65-66).

4. Claims 4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoobridge et al (US 6,326,926) in view of Naeini et al (US 5,233,643) and Berliner et al (US 6,731,908) further in view of Niimi et al (US 5,996,028).

For claims 4 and 7, Shoobridge et al in view of Naeini et al and Berliner et al do not disclose wherein said conducting management communications includes authenticating said communications. In an analogous art, Niimi et al disclose wherein said conducting management communications includes authenticating said communications (col. 1 lines 29-32). Niimi et al disclose wherein said conducting management communications includes authenticating said communications (col. 1 lines 29-32 as set forth in claim 7).

One skilled in the art would have recognized wherein said conducting management communications includes authenticating said communications to use the teachings of Niimi et al in the system of Shoobridge et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the wherein said conducting management communications includes authenticating said communications as taught by Niimi et al in Shoobridge et al's system with the motivation being to provide radio communication apparatus have detachable memories in which private information is stored (col. 1 lines 26-27).

Art Unit: 2665

For claim 6, Berliner et al in view of Shoobridge et al and Naeini et al and Niimi et al disclose wherein said conducting management communications includes associating said radio module as a slave unit (col. 8 lines 61-65).

5. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berliner et al (US 6,731,908) in view of Maruyama (US 6,816,731).

For claim 8, Berliner et al disclose distance measurement using half-duplex RF techniques, comprising:

a first interface (figure 3B, reference 101) for conducting data communications with one or more computers (col. 8 lines 1-5);

a first radio module (figure 3B, reference 103-1) using a first protocol for transmitting wireless data messages received at said first interface and for receiving and relaying data messages via said first interface (col. 8 lines 14-15 and col. 8 lines 52-54);

at least one processor (figure 3B, reference 102) connected to said first interface (figure 3B, reference 101) and said radio module (figure 3B, reference 103-1) for controlling said access point (figure 3B, reference 100) (col. 8 lines 8-9 and col. 8 lines 57-59); and

a second radio module (figure 3B, reference 103-2) operating using a second wireless data communications protocol, different from said first protocol, for providing wireless data communications with said processor (figure 3B, reference 102) (col. 8 lines 57-59 and col. 8 lines 62-65). However, Berliner et al do not disclose said processor having a port. In an analogous art, Maruyama discloses said processor having a port (col. 1 lines 55-56).

One skilled in the art would have recognized a processor having a port to use the teachings of Maruyama in the system of Berliner et al. Therefore, it would have been obvious to

Art Unit: 2665

one of ordinary skill in the art at the time of the invention, to use the processor having a port as taught by Maruyama in Berliner et al's system with the motivation being to connected with the control terminals of the TX/RX part 86B and of the transmission path interfacing part 91B (col. 1 lines 55-57).

For claim 9, Berliner et al disclose wherein said second radio module is arranged to operate as a slave module using a master slave protocol (col. 8 lines 61-65).

For claim 10, Berliner et al disclose wherein said second radio module is arranged to operate as a slave module using the Bluetooth protocol (col. 8 lines 61-65).

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berliner et al (US 6,731,908) in view of Maruyama (US 6,816,731) further in view of Smeets (US 6,633,979).

For claim 11, Berliner et al do not disclose wherein said processor is further arranged to authenticate communications via said second radio module. In an analogous art, Smeets discloses wherein said processor is further arranged to authenticate communications via said second radio module (col. 5 lines 6-10).

One skilled in the art would have recognized wherein said processor is further arranged to authenticate communications via said second radio module to use the teachings of Smeets in the system of Berliner et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the wherein said processor is further arranged to authenticate communications via said second radio module as taught by Smeets in Berliner et al's system with the motivation being to produce a COF 50 value that each of the nodes remembers (col. 5 line 1-3).

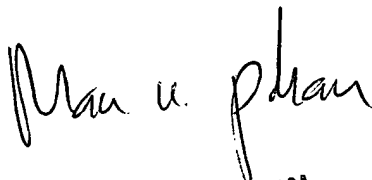
Art Unit: 2665

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on ***. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MAN U. PHAN
PRIMARY EXAMINER